

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: November 4, 2016

SUBJECT: BZA Case 17508A (2828 Hurst Terrace, NW) for a special exception to permit the continuation and expansion of a child development center

I. BACKGROUND

The child development center was established on the subject property in 1984. It was last renewed in 2006 pursuant to BZA Order 17508, subject to the following conditions:

1. Approval shall be for a period of **TEN (10) YEARS**.
2. Enrollment shall be limited to a maximum of 25 children, between the ages of two and five years, on site at any one time.
3. The maximum number of employees shall be four.
4. The hours of operation shall be from 9:00 a.m. to 12:00 p.m., Monday through Friday, September through May.
5. The maximum number of special events per year shall be three, including any open-house(s).
6. Prior to the occurrence of each special event, the Applicant shall provide 30 days' written notice of such event to her adjacent neighbors and to ANC 3D. Such notice shall be calculated to reach the ANC prior to a regularly-scheduled ANC meeting.
7. The timing of special events shall coincide with the hours of operation of the center.
8. The center shall, at all times of operation, have a traffic plan in place, including, at a minimum, the following provisions:

For Arrival and Dismissal:

- a. Parents or other authorized persons (hereinafter referred to as "parent(s)") dropping-off or picking-up children attending the center may only queue up their vehicles directly in front of the subject property.
- b. At no time can there be more than three vehicles in front of the subject property. If there are three vehicles already in line, the next parent's vehicle must continue down Hurst Terrace and drive around the block.
- c. At no time, should a vehicle block a driveway.
- d. There shall be no parent socializing which might impede the traffic flow during child drop-off and pick-up.
- e. Parents must not park their vehicles on the opposite (east) side of Hurst Terrace and walk the child(ren) accompanying them across the street to or from the center.
- f. At no time shall a child or children be let out of a vehicle on the driver's side.

For Arrival:

- g. Drop-off shall be between 8:55 a.m. and 9:15 a.m. If a parent is late, he/she should park legally and walk the child(ren) accompanying him/her to the center.

- h. Parents are to remain in their vehicles. The Applicant or one of her staff will open the vehicle door and assist the child(ren) out.
- i. Parents are not to let children out of their vehicles until they are next in line and the Applicant or a staff member is available to assist the child(ren).
- j. After dropping off a child, the parent is not to make a U-turn, but to continue straight down Hurst Terrace.

For Dismissal:

- k. Children will be brought out to the parents' vehicles starting at 12:00 noon. Parents should line up no earlier than 11:50 a.m., and then walk to the center.
- l. Parents are to remain in their vehicles. The Applicant or one of her staff will open the vehicle door and assist the child(ren) in.
- m. After picking up a child, the parent is not to make a U-turn, but to continue straight down Hurst Terrace.
- n. If a parent needs to pick up a child or children early, he/she must park legally on the opposite (east) side of Hurst Terrace (so as not to interfere with vehicles queuing up in front of the subject property to pick up children) prior to 11:50 a.m., and then walk to the center.

Generally:

- o. All caregivers shall be made familiar with, and told to abide by, the provisions of this traffic plan.
- p. Failure to abide by the provisions of this traffic plan more than twice will cause the child(ren) of the non-compliant parent to be expelled from the center.
- 9. During drop-off and pick-up times, there shall be a staff member stationed outside the center monitoring the center traffic, assisting in the drop-off and pick-up of children and escorting the children to and from vehicles and the child development center.

The applicant proposes to continue the use as previously approved, but with an option that children enrolled in the center may be also be enrolled in an extended day program from 12:00 p.m. to 3:00 p.m. on days when the center is open. The applicant also proposes to clarify the days in which the child development center would operate, indicating that she would be open only on those days when DC Public Schools are open.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the application and that the conditions of the previous application, as enumerated in BZA Order 17508, are carried forward with the following changes as noted below and as agreed to by the applicant:

- 2. Enrollment shall be limited to a maximum of ~~25~~ **24** children, between the ages of two and five years, on site at any one time.
- 3. The maximum number for employees shall be four, **including the applicant**.
- 4. The hours of operation shall be from 9:00 a.m. to 12:00 p.m., Monday through Friday, ~~September through May~~ **on those days when DC Public Schools are open. The extended day program may operate until 3:00 p.m., Monday through Friday, on days when the center is open.**

8. The center shall, at all times of operation, have a traffic plan in place, including, at a minimum, the following provisions:
- ...
- g. Drop-off shall be between ~~8:55~~ **8:30** a.m. and 9:15 a.m. If a parent is late, he/she should park legally and walk the child(ren) accompanying him/her to the center.
- ...
- k. Children will be brought out to the parents' vehicles starting at 12:00 noon. Parents should line up no earlier than 11:50 a.m., and then walk to the center. **Children enrolled in the extended day program shall generally be picked up no later than 3:10 p.m., but in no case later than 3:30 p.m.**

III. LOCATION AND SITE DESCRIPTION

Address	2828 Hurst Terrace, N.W.
Applicant	Heather Gustafson
Legal Description	Square 1420, Lot 12
Ward, ANC	Ward 3, ANC 3D
Zone	R-1-B
Lot Characteristics	Quadrilateral-shaped lot with no alley access
Existing Development	One-family detached dwelling with a child day care
Adjacent Properties	One-family detached dwellings. Across Hurst Terrace is Francis Scott Key Elementary School
Neighborhood Character	Low density residential with a public elementary school
Proposal	Continue use of day care center with expanded hours

IV. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to U § 203 (g), Daytime Care Uses

- i. *(1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;*

The applicant proposes to generally maintain the conditions attached to the previous approval, with the exception of the addition of an extended day program from 12:00 p.m. to 3:00 p.m. as an option for those children enrolled in the center. The addition of this program would decrease the number of children picked up at noon, reducing traffic to and from the center in the middle of the day and the impact on Hurst Terrace. Pick-up from the extended day program would be minimal and would end before dismissal at Key Elementary School at 3:15 p.m.

(2) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;

No off-site play area is proposed.

(3) The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties; and

OP recommends the maximum enrollment be limited to 24 to coincide with the maximum permitted by OSSE. OP also recommends that Condition No. 3 be modified to indicate that the applicant is included in the maximum number of employees permitted, and that Condition No. 4 be modified to indicate that the center is open only on those days when DC Public Schools are open.

(4) More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board of Zoning Adjustment finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

OP is unaware of any child development within 1,000 feet of the subject property.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The application would permit the continuation of a child development center within a residential zone to continue as permitted by the R-1-B zone and the zoning regulations.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The applicant does not propose to increase enrollment at the center, but rather to allow the pick-up of children enrolled in the center to stay as late as 3:00 p.m. and to be dropped off as early as 8:30 a.m. This would have the effect of reducing traffic congestion on Hurst Terrace in the morning and at the 12:00 p.m. dismissal time by allowing for a small number of children to be picked up later in the day.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The applicant informed OP that the center is licensed by OSSE for a maximum of 24 children.

VI. COMMUNITY COMMENTS

No comments were received from ANC 3D

The SMD Commissioner for ANC 3D05 submitted comments to OP recommending approval subject to conditions.

Six letters were submitted to the file in support of the application.

One letter was submitted to the file in opposition to the application.

Attachment: Location Map

